IN RE:

PETITION FOR VARIANCE

NE/Corner Middle River Road and

Bird River Road

(915 Middle River Road)
15th Election District
5th Councilmanic District

Louie Hampton Petitioner BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 97-418-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 915 Middle River Road, located in the vicinity of Bird River Road in Middle River. The Petition was filed by the owner of the property, Louis Hampton, through his attorney, John B. Gontrum, Esquire. The Petitioner seeks relief from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side/rear setbacks of 5 feet each in lieu of the minimum required 50 feet for a proposed 6,300 sq.ft., one-story addition to an existing building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was John B. Gontrum, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is part of a larger tract of land that has been split into three separate parcels, identified as Parcels 284, 134, and 542 on the site plan. When combined, the entire tract of land consists of a gross area of 5.79 acres, more or less, and is split zoned M.L.-I.M. and B.L. The subject of this Petition is Parcel 134, which is an irregular shaped parcel, containing a

PDER RECEIVED FOR PLANCE
TO STAND FOR PLANCE
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gross area of 0.55 acres. Parcel 134 is improved with a one-story masonry building of 24,960 sq.ft., which houses the business known as Creative Packaging. The Petitioner is desirous of constructing a 6,300 sq.ft. addition to the rear of the existing building; however, due to its close proximity to the lot lines of this particular parcel, the requested variance is necessary in order to proceed with the proposed improvements. Testimony indicated that the area where the proposed addition is to be constructed is routinely littered with trash and debris and is an eyesore to the Petitioner as well as his immediately adjoining neighbor, the Middle River Assembly of God Church. The Petitioner believes that the proposed addition will help to alleviate this problem and assist with his business operation in providing additional space. Further testimony and evidence offered demonstrated that the Middle River Assembly of God Church is not opposed to the Petitioner's request, and, in fact, supports the Petitioner's plans to construct the proposed addition.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29 day of May, 1997 that the Petition for Variance seeking relief from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side/rear setbacks of 5 feet each in lieu of the minimum required 50 feet for a proposed 6,300 sq.ft., one-story addition to an existing building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall submit a landscape plan for review approval by the Landscape Architect for Baltimore County.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

915 Middle River Road, Baltimore, Md. 21220

which is presently zoned MI-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Variance requested to Section 255.2 BCZR to permit Side/Rear Setbacks of 5 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Existing building's relationship to property line and recent changes in zoning to ajacent property creates a situation where needed improvement to the building cannot be made with out the variance. There is a desire to enclose existing refuse area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	Contract Purchaser/Lessee:	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal owner(s):
	(Type or Print Name)	(Type of Print Name)
	Signature	Louis Hampton
	Address	(Type or Print Name)
	City State Zipcox Attorney for Petitioner:	de Signature
	John B. Gontrum (Type or Print Name)	915 Middle River Road, 8 686-7034
(Signature Signature	Baltimore, Maryland 21220
	814 Eastern Boulvard, 1-410-686-82	Name, Address and phone number of representative to be contacted.
	Address Phone No. Essex, Md. 21221	Name
22	State Zipcod	OFFICE USE ONLY
	Aprile M.	ESTIMATED LENGTH OF HEARING LOF Hearing
	Printed with Soybean Ink on Recycled Paper	ALL OTHER PARE 3/27/97
		DATE 3/21/5/
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MATIS WARFIELD

CONSULTING ENGINEERS

91-418-A

Description To Accompany Zoning Petition for Variances 915 Middle River Road 15th Election District

March 25, 1997

Beginning for the same at a point on the east side of Middle River Road, said point distant 63.74 feet +/- North 18°23'21" East from the intersection of the centerlines of Middle River Road and Bird River Road, running thence and binding along the west side of Middle River Road the three following courses viz:

- 1. By a curve to the left having a radius of 2430.00 feet for an arc length of 145.59 feet,
- 2. North 16°15'00" West 238.06 feet, and
- 3. By a curve to the left having a radius of 1530.00 feet for an arc length of 248.07 feet, thence leaving said Middle River Road and running thence the four following courses viz:
- 4. North 45°18'05" East 276.20 feet,
- 5. South 46°04'40" East 457.39 feet,
- 6. South 43°38'05" West 100,00 feet, and
- 7. South 46°04'40" East 168.69 feet to the north side of Bird River Road, running thence and binding on the north side of Bird River Road the two following courses viz:
- 8. South 43°43'09" West 197.86 feet,
- 9. By a curve to the right having a radius of 640.00 feet for an arc length of 281.81 feet to the cut-off leading to Middle River Road, running thence and binding along said cut-off,
- 10. North 61°32'05" West 19.74 feet to the place of beginning

Containing 5.79 acres of land more or less.

This description is intended for zoning purposes only and is not for use in conveyance of land.

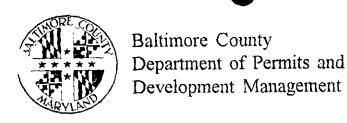
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CERTIFICATE OF OSTING

HEARING (5/8/97) C 2:00PM - RM-106 P-4/12/97

	RE: Case No.: 97-418-A
	Petitioner/Developer: L. HAMPTON, ETAL 96 JIM MATIS - F. 371-7657
	Date of Hearing/Closing: MAY B, 1997
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of were posted conspicuously on the property NG - WEST OF BIRD RI The sign(s) were posted on	of perjury that the necessary sign(s) required by law located at #915 MIDDLE RIVER ROAD VER ROAD (Month, Day, Year)
	Sincerely,
R	(Signature of Sign Poster and Date) Patrick M. O'Keefe (Printed Name) 523 Penny Lane (Address)
The first of the state of the s	Hunt Valley, MD 21030 (City, State, Zip Code) (410) 666-5366 Pager (410) 646-8354 (Telephone Number)
9 15 MODLE RIVER ROAD	

B



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

(Revised 09/24/96)

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 4/3
Petitioner: Mr Lovic E. Hampton
Petitioner: Mr Louis E. Hampton Location: 915 Middle River Road
PLEASE FORWARD ADVERTISING BILL TO:
NAME: MF. LOUIE E. HAMPTON
ADDRESS: CHO CREATIVE PACKAGING
015 MIDDLE RIVER RAD BALTO, MD 2/220
PHONE NUMBER: 686-7034
AJ:ggs

TO: PUTUXENT PUBLISHING COMPANY
April 10, 1997 Issue ~ Jeffersonian

Please foward billing to:

Mr. Louie E. Hampton c/l Creative Packaging 915 Middle River Road Baltimore, MD 21220 686-7034

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in <u>Towson, Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-418-A
915 Middle River Road
NEC Middle River Road and Bird River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Louie Hampton

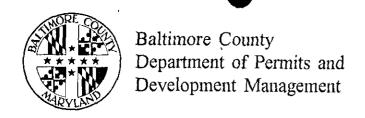
Variance to permit side/near setbacks of 5 feet in lieu of the required 50 feet.

HEARING: THURSDAY, MAY 8, 1997 at 2:00 p.m., Rom 106 County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-418-A
915 Middle River Road
NEC Middle River Road and Bird River Road
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Variance to permit side/near setbacks of 5 feet in lieu of the required 50 feet.

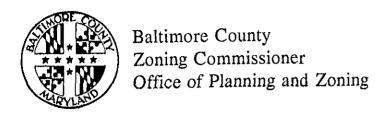
HEARING: THURSDAY, MAY 8, 1997 at 2:00 p.m., Rom 106 County Office Building, 111 W. Chesapeake Avenue.

Arnold Jablon Director

cc: Louie E. Hampton
John B. Gontrum, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 23, 1997.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

May 29, 1997

John B. Gontrum, Esquire Romadka, Gontrum and McLaughlin 814 Eastern Boulevard Essex, Maryland 21221

RE: PETITION FOR VARIANCE

NE/Corner Middle River Road and Bird River Road

(915 Middle River Road)

15th Election District - 5th Councilmanic District

Louie Hampton - Petitioner

Case No. 97-418-A

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

suit be llo troco

for Baltimore County

TMK:bjs

cc: Mr. Louie Hampton

915 Middle River Road, Baltimore, Md. 21220

People's Counsel; Case Files

RE: PETITION FOR VARIANCE	*	BEFORE THE
915 Middle River Road, NEC Middle River		
Road and Bird River Road	*	ZONING COMMISSIONER
15th Election District, 5th Councilmanic		
·	*	OF BALTIMORE COUNTY
Louie Hampton		
Petitioner	*	CASE NO. 97-418-A
		a. a. t.

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

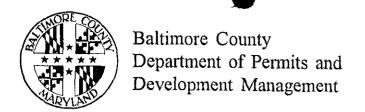
CAROLE S. DEMILIO
Deputy People's Counsel

Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19 day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioners.

PETER MAX ZIMMERMAN



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 6, 1997

John B. Gontrum, Esquire 814 Eastern Boulevard Essex, MD 21221

RE: Item No.: 418

Case No.: 97-418-A

Petitioner: Louie Hampton

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 27, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

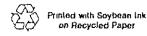
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re
Attachment(s)





David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County 4 . 4 . 9 7 RE: Item No. 418

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

In Ronald Burns, Chief

I. J. Gredlen

Engineering Access Permits

Division

LG

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

POM

DATE: Gpr. / 9, 97

FROM:

R. Bruce Seeley RS/GA Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 14, 1997

Marie Control of the Control of the

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for April 14, 1997

Item No. 418

The Development Plans Review Division has reviewed the subject zoning item.

The proposed addition is subject to the Baltimore County Landscape Manual. A buffer is required for the adjacent church property.

RWB:HJO:cab

cc: File

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

April 9, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: AMOCO DIL COMPANY - 414

LOUIE HAMPTON - 418 FRANK O. MORAN, 5R. %

STEPHEN J. MORAN - 417

COLUMBUS CLUB OF OVERLIA, INC. - 421

PADONIA VILLAGE, INC. - 422

Location: DISTRIBUTION MEETING OF APRIL 7, 1997

Item No.: 414, 418, 419, 421 & 422 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected at incorporated into the final plane for the property.

- 4. The site shall be made to comply with all applicable marts of the Fire Prevention Gode prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 10: "Lite Safety Code", 1991 edition prior to occupancy.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: April 14, 1997

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: 915 Middle River Road

INFORMATION

Item Number:

418

Petitioner:

Louie Hampton

Zoning:

ML-IM & BL

Requested Action:

Variance

Summary of Recommendations:

Staff supports the applicant's request provided that the subject site is improved as follows:

and Kemo

- 1) Replace the parking lot paving; and
- 2) Plant street trees along the road frontages of Middle River Road and Bird River Road.

Prepared by:

Division Chief:

AFK/JL

#411 --- JLL

- 1. No sign form in folder (see note in folder).
- 2. No review information on bottom of petition form.

#413 --- MJK

1. Sign form is incorrect/incomplete.

#415 --- MJK

- 1. Need authorization for person signing for legal owner.
- 2. Need printed or typed name of person signing for contract purchaser.
- 3. Need printed or typed title of person signing for contract purchaser.
- 4. Need authorization for person signing for contract purchaser.

#416 --- JRA

1. Wrong sign form used.

#417 --- MJK

- 1. Sign form is incorrect/incomplete.
- Need title of person signing for legal owner.
- 3. Need authorization for person signing for legal owner.

#418 --- JLE

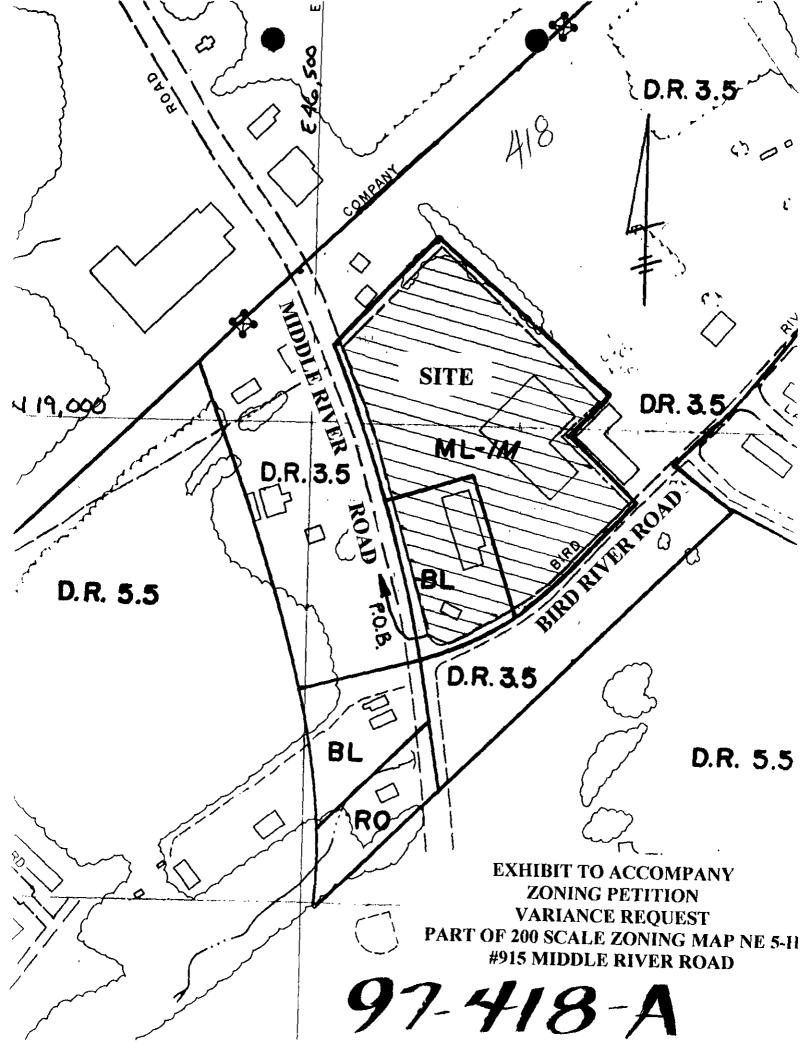
1. No sign form in folder (see note in folder).

Copie Broken: Form to app.

Capp. Notice cachoed to contact poster with upd once receipt of notice of heaving received.

Cevalry: a Variance to permit side and van start, settacks of 5 ft in her of the creptured 50 ft.

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Middle River Assembly of God

September 5, 1996

To Whom It May Concern:

Recently Louic Hampton, President and Owner of Creative Development Corporation approached us with regards to the possibility of building onto his present facility. This facility is located behind our church, Middle River Assembly of God.

In order to do so, Mr. Hampton informed us that he would need a variance awarded to him. Louie has always been a courteous neighbor.

The Middle River Assembly of God Church Board, unanimously voted in favor of Mr. Hampton expanding the size of his building within ten feet of our property line. It is our desire to see said variance granted to him.

If you have any further questions, please do not hesitate to contact us. Thanking you in advance for your assistance in the above matter.

Sincerely,

Bruce Craig

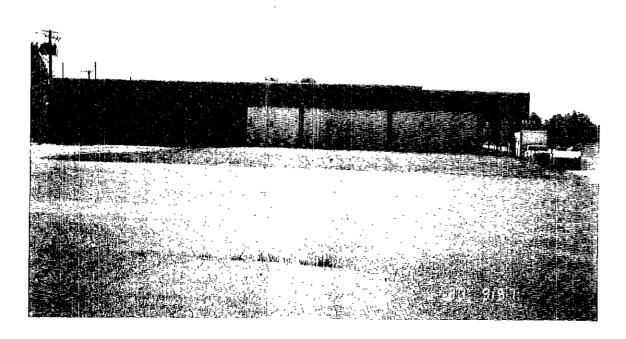
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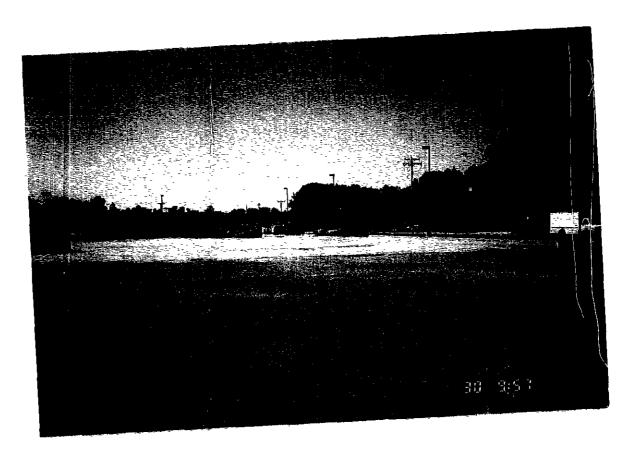
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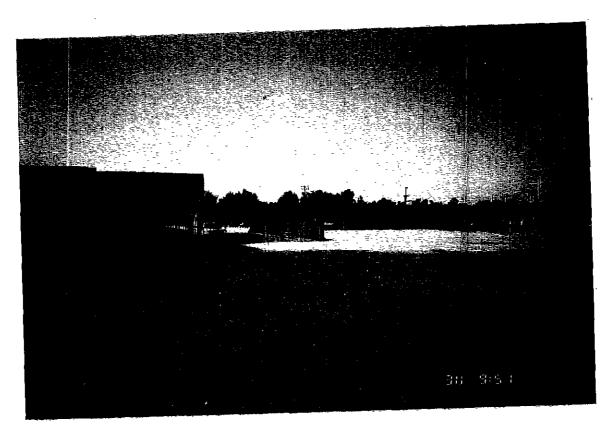
To per Jim Matio

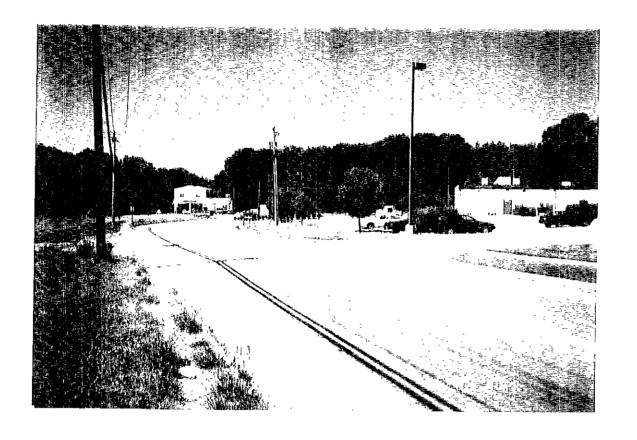
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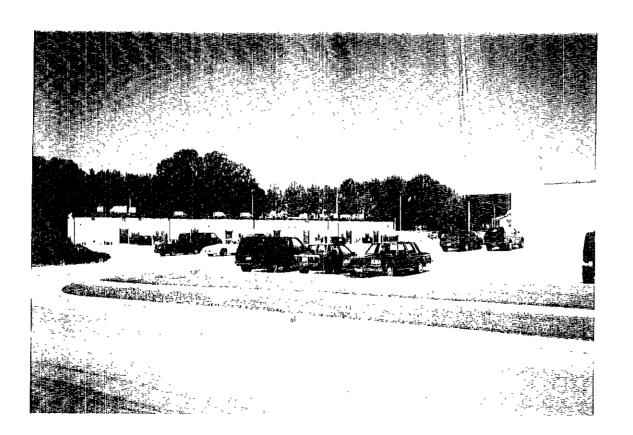


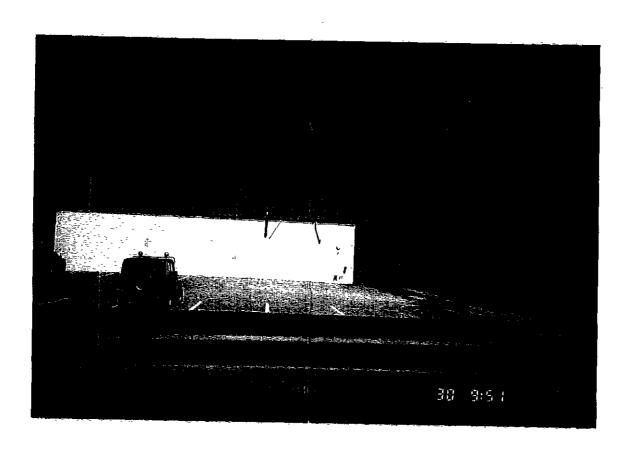














NOTICE OF HEARING

The Zoning Construissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #97-418-A
915 Middle River Road
NEC Middle River Road and
Bird River Road
15th Election District
5th Councilmanic
Légal Owner(s):
Louie Hampton
Variance: to permit sidencer

setbacks of 5 bet to the required 50 bet.
Nachtel To bet.
1997 at 2.09 p.m., Room
106 County Office Building,
111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Battimore County NOTES: (1) Hearings are Handicapped Accessible; for special special accommodations
Please Call 887-3353.
(2) For information concerning the File and/or Hearing,
Please Call 887-3391.

4/194, April 10

C134035

CERTIFICATE OF PUBLICATION

TOWSON, MD., __

weeks, the first publication appearing on Paul 1977. published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ___successive THIS IS TO CERTIFY, that the annexed advertisement was

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

